

UNITED STATES OF AMERICA, ) Docket No. 18 CR 00681  
)  
Plaintiff, ) Chicago, Illinois  
) February 15, 2023  
v. ) 9:39 a.m.  
)  
MICHAEL ABRAMSON, )  
)  
Defendant. )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE VIRGINIA M. KENDALL

For the Government: UNITED STATES ATTORNEY'S OFFICE by  
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1 (Proceedings held in chambers)

2 THE COURT: Your names on the record, please?

3 MR. ROTHBLATT: Good morning, your Honor. Richard  
4 Rothblatt, Misty Wright, and Chris Veatch on behalf of the  
5 United States.

6 Just -- we can get defense appearance on as well, but  
7 Mr. Veatch is here to handle kind of the other matter that we  
8 had addressed with the Court on Monday.

9 We were going to propose that we talk about trial  
10 dates now, and then maybe the parties excuse themselves --

11 THE COURT: Yes, that's fine. So --

12 MR. SANAN: Good morning, your Honor. Nishay Sanan on  
13 behalf of Mr. Abramson, who is present.

14 THE COURT: Good morning.

15 THE DEFENDANT: Good morning.

16 THE COURT: So do you have -- you're going to redo the  
17 trial?

18 MR. ROTHBLATT: Yes, Judge.

19 THE COURT: Okay. And what are the proposals for  
20 trial dates?

21 MR. ROTHBLATT: Judge, the government has availability  
22 starting in April of 2023. We're also available in June, July,  
23 and October, November, December.

24 THE COURT: October, November, December are booked.  
25 I've got the Burke trial in there. And November -- April is

1       booked. But let me just check my trial calendar.

2               I'm pretty sure I might be able to do it in June, is  
3 my guess.

4               MR. SANAN: Judge, unfortunately, I'm booked in June.

5               THE COURT: I didn't hear you, Mr. Sanan.

6               MR. SANAN: I'm booked in June, July, August,  
7 September, October, November.

8               THE COURT: So you need to go April, May?

9               MR. SANAN: No, I have that booked, too. I was going  
10 to ask for early 2024.

11              THE COURT: Oh, my gosh.

12              MR. SANAN: Your Honor knows about the backlog, so,  
13 unfortunately, I'm kind of stuck in that.

14              THE COURT: Hang on just a second.

15              MS. WRIGHT: The government is also available in late  
16 May, if your Honor has that available.

17              THE COURT: Okay.

18              (Pause in proceedings.)

19              THE COURT: Let's see what this looks like.

20              Well, I could move those *Daubert* hearings that we just  
21 scheduled.

22              MR. SANAN: That was in October, though, Judge.

23              THE COURT: What?

24              MR. SANAN: I thought you set it for October --

25              THE COURT: No, this is a different -- those *Daubert*

1       hearings, Lynn, I scheduled just now for the first two weeks of  
2       April.

3               Can you do that?

4               MR. ROTHBLATT: The government is available.

5               MR. SANAN: Judge, I am not available. I have a trial  
6       in Memphis with one defendant in custody, and then come back  
7       and try a case with Mr. Getter, back-to-back, for three weeks.  
8       So my April is slam-booked, with one co-defendant in custody in  
9       Memphis.

10              THE COURT: What's going on in June with you?

11              MR. SANAN: Judge, I'm out of the country for three  
12       weeks in June.

13              THE COURT: Which weeks?

14              MR. SANAN: The 12th through the 1st. And I  
15       anticipate -- just based on what we heard from the jury, Judge,  
16       I anticipate this trial may be a little bit longer the second  
17       time around.

18              THE COURT: How about right after Memorial Day, May  
19       30th, before you leave? May 30th through the 9th?

20              MR. ROTHBLATT: That works for the government, Judge.

21              MR. SANAN: Judge, Ms. White is out of town that week,  
22       who is my co-counsel.

23              THE COURT: Where is she?

24              MR. SANAN: I think she's in London for her brother's  
25       wedding -- or her husband's brother's wedding is what I have on

1 the calendar.

2 THE COURT: Well, that's just one of the weeks. Can  
3 she -- can you handle the case without her and have her come in  
4 on the second week?

5 MR. SANAN: Judge, if we start --

6 THE COURT: I could possibly do something like pick a  
7 jury on, like, the 24th or the 25th, and then have them have  
8 their weekend, and then come back, like, on the 30th, if that  
9 gives us a little wiggle room.

10 MR. SANAN: So May --

11 THE COURT: May.

12 MR. SANAN: -- pick the jury the 24th, 25th?

13 THE COURT: Yes. And then start openings on the 30th.  
14 And that would give you one, two, three, four, five, six,  
15 seven, eight, nine full days.

16 MR. SANAN: We had four -- six and a half last time?  
17 My only concern -- this is my concern, Judge. This is, again,  
18 based on what we heard afterwards on what the jury kind of more  
19 wanted.

20 THE COURT: Yes.

21 MR. SANAN: I think we're adding at least two or three  
22 jury days.

23 THE COURT: So there's no early days there because  
24 there's no teaching on those Tuesdays. And then we took a  
25 Friday off the first time. So if you don't take that -- but

1 you have Memorial Day in there. But if we pick the jury the  
2 week before and then start the day after Memorial Day, that  
3 gives you, you know, two and a half more days.

4 MR. SANAN: That's fine, Judge, as long as we pick the  
5 jury the week before.

6 THE COURT: All right. I'll work on that. I'll work  
7 with the jury. So we'll pick a jury the 24th, with the  
8 understanding if it goes a little long, it will go into the  
9 25th, and then we'll do opening statements on the 30th and  
10 start evidence on the 30th.

11 Do you agree to the exclusion of time?

12 MR. SANAN: Yes, Judge.

13 THE COURT: Let's do this: Let's have -- are you gone  
14 all of May?

15 MR. SANAN: Let me -- so the end of May, I have a  
16 trial in one of the DC cases, so I don't know how long that's  
17 going to go, but --

18 THE COURT: I just was wondering about whether we  
19 needed to do any kind of pretrial conference or if you just  
20 want a date for any new motions.

21 MR. SANAN: Why don't we just set a date for new  
22 motions, Judge.

23 THE COURT: Okay. Do you want to give me those by  
24 May 1st?

25 MR. SANAN: That's -- can we do the following week?

1 Because I may still be in DC that week.

2 THE COURT: May 8?

3 MR. SANAN: Yes, for motions.

4 THE COURT: And then any responses May 15?

5 MR. ROTHBLATT: Very good, Judge.

6 THE COURT: That would just be any differences between  
7 the last trial and this.

8 MR. SANAN: Right.

9 THE COURT: All right. That's what we'll do. Thank  
10 you.

11 And then I suppose the defense, you can be excused,  
12 parties can be excused, and I'll talk to Mr. Veatch.

13 MULTIPLE SPEAKERS: Thank you.

14 MR. SANAN: I just have a quick question, Judge. Do  
15 we need to have another pretrial status, or is that going to be  
16 based on the motions?

17 THE COURT: I don't know. I'll see what you file.  
18 And if I feel like I need to fit you in, I'll check with --  
19 your schedule seems to be more complicated than theirs.

20 MR. SANAN: Okay, Judge.

21 THE COURT: Okay?

22 MR. SANAN: Very good, Judge. Thank you.

23 THE COURT: Thank you. Have a good day.

24 (Concluded at 9:47 a.m.)

25

## C E R T I F I C A T E

I certify that the foregoing is a correct transcript of the  
record of proceedings in the above-entitled matter.

/s/ GAYLE A. McGUIGAN

March 7, 2024

GAYLE A. McGUIGAN, CSR, RMR, CRR  
Official Court Reporter